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Boston, Massachusetts 02109-1020

BERNARD A. KANSKY, ESQ.

June 1, 2006

DOCKETED

(617) 227-2020 TELECOPIER (617) 227-5717

Michelle Rynne, Docket Clerk To:
Douglas P. Woodlock, Justice
Suite # 4110
The United States District Court
For The District of Massachusetts
John Joseph Moakley U.S. Court House
1 Courthouse Way
Boston, MA 02110
(617) 748-9171/ (617) 748-9293/ Fax (617) 748-9096

FILING FEE PAID: 72942
RECEIPT # 455
AMOUNT \$ 455
BY DPT CLERK
DATE 6/7/06

Re: Kenneth M. Kansky v. Aetna & Coca Cola, Et Als. Docket Number # 1:05-cv-10908

Dear Ms. Rynne:

Please be advised that today I filed a "protective," Notice and Claim of Appeal by ECF and pursuant to your indications, I am enclosing herewith our office check in the sum of \$455.00.

Based upon my research, it would appear from Rule 59(e) that the actual time for the filing of this Notice and Claim of Appeal could be and is deferred until Judge Woodlock renders a decision on the Plaintiff's Rule 59(e) Motion.

In support thereof, I refer you and the court to Rule 59(e) of the Federal Rules of Procedure Handbook and in particular, page 960 thereof which states that a Rule 59(e) Motion tolls the Appeal Period.

In addition, on page 1191 of the same handbook, under the section entitled "Suspending Time For Appeal by Filing Post-Trial Motions", please note that Motions to Alter or Amend a Judgment, under Federal Rule of Civil P, Rule 59, is again recognized as one of the Motions which suspends the time for filing an appeal. See also Federal Rule App. P. 4(a)(4)(A).

Therefore, please be so kind as to confirm receipt of the above sum of \$455. and if for any reason it should be made payable in a different manner, please likewise advise immediately upon receipt.

Please also note that it is my understanding that while the Rule 59 Motion remains outstanding and unresolved, the Notice and Claim of Appeal is held in abeyance. Please be so kind as to likewise confirm same.

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Thank you very kindly with regard to your timely attention to all of the above.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a small flourish.

BERNARD A. KANSKY

BAK:jt

Enclosure